

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES WESLEY WHITE,

Petitioner,

v.

Case No. 2:03-cv-842
Crim. No. 2:00-cr-0050
JUDGE MARBLEY
Magistrate Judge KING

UNITED STATES OF AMERICA,

Respondent.

ORDER

On March 17, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that claims one and three of the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed, and that petitioner's request for an evidentiary hearing on claim two be granted. Although the parties were specifically informed of their right to object to the *Report and Recommendation*, and of the consequences of their failure to do so, there has nevertheless been no objection to the *Report and Recommendation*.

The *Report and Recommendation* is hereby **ADOPTED AND AFFIRMED**. Claims one and three are **DISMISSED**. Counsel is appointed to represent petitioner in the evidentiary hearing on claim two.

IT IS SO ORDERED.

s/Algenon L. Marbley
Algenon L. Marbley
United States District Judge